

Remarks

Claims 1-14, 18-20, 23, 25 and 26 are pending in the application. Claims 4, 8, 12, 14, 20, 23, 25 and 26 have been allowed. Claims 1, 5, 9-11, 13, 15 and 21 have been rejected. Claims 2, 3, and 6, have been objected to but would be allowable if rewritten in independent form. Claims 18 and 19 would be allowable if rewritten to correct certain informalities. Reconsideration is requested in view of the above changes and the following remarks.

By the herein amendment, claims 15 and 21 have been cancelled and claims 1, 2, 5-7 and 18 have been amended.

Claims 2, 6 and 7 have been rewritten in independent form, and are therefore in condition for allowance. Claim 3 depends on claim 2 and thus it should also now be allowable.

Amendment or cancellation of any claim is without prejudice to the filing of one or more continuing applications.

Response to Formalities Objection of Claim 18, 19 and 21

Claim 18 has been amended to delete the proviso in the last three lines, which only concerned deleted Formula II. The objection to claim 18, and its dependent claim 19, is thus overcome.

Claim 21 has been canceled.

Response to 35 USC 102 Rejections

Claim 15

Claim 15 has been rejected as being allegedly anticipated by Vanderesse *et al.* Claim 15 has also been rejected as being allegedly anticipated by Salvadori *et al.* Without acquiescing in the rejections, and in an effort to expedite prosecution, claim 15 has been cancelled. The rejections are therefore moot.

Claims 1, 5, 11 and 21

Claims 1, 5, 11 and 21 have been rejected at being allegedly anticipated by Vanderesse *et al.*, taken in view of Alpegiani *et al.* (US Pat. 6,194,451)

Examiner makes reference to the teaching by Vanderesse of hexapeptide 23a in Scheme 7. Without acquiescing in the rejection, and in an effort to expedite prosecution, claim 1 has been amended to delete reference to oligopeptide products in which the oligopeptides are linked via a linking moiety having Formula II. Vanderesse's teaching of the formation of hexapeptide 23a by Scheme 7 will only yield oligopeptide products of Formula II. Thus, claim 1, as amended, is not anticipated. As neither Vanderesse or Alpegiani, either alone or in combination, give any motivation to produce oligopeptide products having a linking moiety having Formula I or Formula III, the subject matter of amended claim is also not obvious over the asserted references. Accordingly, the subject matter of claim 1, as amended, and the subject matter of dependent claims 5 and 11, is both novel and nonobvious over the asserted prior art.

Claim 21 has been rejected on the ground that the Z-Ala-Ala-Pro of Vanderesse, upon mixing with HOBt and TBTU and forming an activated ester, corresponds to applicant's label molecule. Without acquiescing in the rejections, and in an effort to expedite prosecution, claim 21 has been cancelled. The rejections are therefore moot.

With regards to the Examiner's objections to claims 9, 10, and 13, based on the Vanderesse and Alpegiani documents, as each of these claims depend on claim 1, the amendments as described above to delete reference to the oligopeptide products having the linking moiety of Formula II overcome these objections, each of these claims being novel and non-obvious for the same reasons as recited for amended claim 1, on which claims 9, 10 and 13 depend.

Response to 35 USC 103 Rejections

Claims 9, 10, and 13, have been rejected as allegedly obvious over the Vanderesse and Alpegiani documents. Claims 9, 10 and 13 depend from claim 1, and recite additional features of the claimed method. The deficiencies in Vanderesse and Alpegiani have been discussed above as to amended claim 1. Neither document renders obvious the subject matter of amended claim 1. In view of the allowability of claim 1, claims 9, 10 and 13 are likewise allowable.

Conclusion

The claims remaining in the application are believed to be in condition for allowance. An early action toward that end is earnestly solicited.

Respectfully submitted,

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A handwritten signature in cursive script, reading "D. A. Monaco", is written over a horizontal line.

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